



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,141	08/23/2001	Steven Phillip Gologoraky	620-020US	1711

22897 7590 11/02/2007  
DEMONT & BREYER, LLC  
100 COMMONS WAY, Ste. 250  
HOLMDEL, NJ 07733

EXAMINER
----------

LIVERSEEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
----------	--------------

3692

MAIL DATE	DELIVERY MODE
-----------	---------------

11/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**SUPPLEMENTAL**  
**Notice of Allowability**

Application No.

09/938,141

Examiner

Jennifer Liversedge

Applicant(s)

GOLOGORAKY ET AL.

Art Unit

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/17/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 10/1/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's request and requirement for cancellation of previously withdrawn claims of application 09/938,141 pursuant to allowance.

The amendment contains original claims: 1-5 and 9-16.

The amendment contains amended claims: 6-7.

The amendment contains previously presented claim: 8.

Claims 17-30 previously withdrawn have been canceled.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Jason DeMont on September 28, 2007.

The application has been amended as follows:

Claims 17-30 previously withdrawn have been canceled.

***Allowable Subject Matter***

Claims 1-16 are allowed. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 1 discloses a method for conducting an auction comprising entering at a data processing system a bid into the auction on behalf of a first bidder; receiving at the data processing system a bid package from a second bidder wherein the bid package directs the data processing system to determine a bid variable based at least in part on the identity of the first bidder; and entering at the data processing system a second bid into the auction on behalf of the second bidder wherein the second bid comprises the bid variable as determined by the data processing system.

Independent claim 6 discloses a method for conducting an auction comprising entering at a data processing system a bid into the auction on behalf of a first bidder wherein the first bid comprises a first bid variable; receiving at the data processing system a bid package from a second bidder wherein the bid package directs the data processing system to determine a second bid variable based at least in part on the identity of the first bidder and on the first bid variable; and entering at the data processing system a second bid into the auction on behalf of the second bidder wherein the second bid comprises the second bid variable as determined by the data processing system.

Independent claim 8 discloses a method for conducting an auction comprising entering at a data processing system a first bid into the auction on behalf of a first

Art Unit: 3692

bidder wherein the first bid comprises a first bid variable; entering at a data processing system a second bid into the auction on behalf of a second bidder wherein the second bid comprises a second bid variable; receiving at the data processing system a bid package from a third bidder wherein the bid package directs the data processing system to determine a third bid variable based at least in part on the identity of the first bidder and on the identity of the second bidder; and entering at the data processing system a third bid into the auction on behalf of the third bidder wherein the third bid comprises the third bid variable as determined by the data processing system.

Independent claim 15 discloses a method for conducting an auction comprising entering at a data processing system a first bid into the auction on behalf of a first bidder; entering at a data processing system a second bid into the auction on behalf of a second bidder; receiving at the data processing system a bid package from a third bidder wherein the bid package directs the data processing system to determine a third bid variable based at least in part on the identity of the first bidder and on ignore the identity of the second bidder in determining the third bid variable; and entering at the data processing system a third bid into the auction on behalf of the third bidder wherein the third bid comprises the third bid variable.

The primary difference between the claimed invention and the prior art is the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in

part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

While the prior art discloses where a low bidder may not be selected if other factors, such as knowing the business, are considered to be more valuable than strictly retaining the lowest bid, and wherein bidders can assign decision rules for determining bids, and wherein different limits may be imposed for different bidders (US Patent 6,199,050 B1 to Alaia et al.). However, Alaia does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Further, US Patent 6,055,518 to Franklin et al. discloses a method of bidding in which bidders remain anonymous until after the auction has closed. However, Franklin does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

In addition, US Patent 6,609,112 B1 to Boarman et al. discloses the method a processor to provide automatic bid adjustment through use of a participant defined proxy. However, Boarman does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing

system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Prior art as disclosed by Kinney, Jr. et al. in US Patent 6,871,191 B1 discloses a transformation function for adjusting bids in which price and non-price variables are used in the transformation function and wherein the value of one bid is affected by the parameters and price associated with other bids in the market. However, Kinney does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

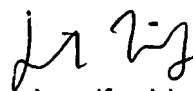
NPL discloses where bidders make a bid determination based on feedback received regarding other bidders (The Complete Idiot's Guide to Online Auctions by Michael Miller). However, Miller does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Liversedge

Examiner

Art Unit 3692



Kambiz Abdi

Supervisory Patent Examiner

Art Unit 3692